THE NATIONAL SAFETY CODE PROGRAM IN SASKATCHEWAN

INTRODUCTION

The National Safety Code (NSC) of Canada contains the minimum performance standards for the safe operation of commercial vehicles, agreed to by all jurisdictions in Canada. The NSC applies to all people responsible for the operation of commercial vehicles on the road. These vehicles include trucks, power units, trailers and buses.

The National Safety Code applies to:

The NSC applies to class PB, PS and PC buses (manufacturer’s seating capacity more than 10 persons including the driver), class A, C, D vehicles and class LV vehicles used for commercial or business purpose that:

• Are registered with a Gross Vehicle Weight (GVW) over 11,793 kg and travel within Saskatchewan.
• Are registered with a GVW over 5,000 kg when prorated and travel outside of Saskatchewan.

PROGRAM OBJECTIVES

• Improve highway safety
• Reduce accidents by checking carrier records and business operations
• Promote compliance with safety regulations and laws concerning the transportation of people and goods across Saskatchewan and Canada.

Facility Audit

The facility audit program is a part of the National Safety Code (NSC) of Canada. Carrier Representatives will examine the records of a Saskatchewan based carrier to ensure that they are complying with the law and that they have necessary safety programs in place. Carrier Representatives are appointed by SGI and the Province of Saskatchewan to perform these audits.

COMMONLY ASKED QUESTIONS

What is a facility audit?

Standard 15 of the NSC requires carriers to keep records on drivers, hours of service, vehicle maintenance, accidents, dangerous goods transportation and trip inspections reports. A Carrier Representative may examine a carrier’s records to ensure compliance with the law and to check if safety programs are in place.

Who will be audited?

Carriers will be audited randomly or because of a poor safety record (too many convictions, accidents, or out-of-service inspections).
What is included in an audit?

A Carrier Representative will examine documents and discuss practices with a carrier regarding the following record keeping requirements:

1) Driver Profile
2) Vehicle Maintenance (including CVSA inspections)
3) Hours of Service

The results taken from these three requirements will determine compliance with the National Safety Code.

How long are records to be kept on file?

Unless otherwise specified, a carrier must keep records for the current year PLUS four additional years.

Where are the records required to be kept?

The legislation requires a carrier keep their records “in Saskatchewan” which is defined in legislation as:

The Commercial Vehicle and Drivers (Record-Keeping) Regulations, Sec. 10:

“Every carrier must maintain every record required pursuant to these Regulations at the carrier’s registered office in Saskatchewan.”

Commercial Vehicle Hours of Service (Provincial). Sec.2 (m):

Principal place of business - “means the location that is designated by a carrier as the place where daily logs and supporting documents are to be kept and maintained pursuant 19(3)”.

Commercial Vehicle Drivers Hours of Service Regulations (Federal) Interpretation Section 1:

Principal place of business - “means the place or places designated by the motor carrier where daily logs, supporting documents and other relevant records required by these Regulations are kept.

May records be kept on computer?

Yes, provided they can be examined by a Carrier Representative and are capable of producing a paper report for the use of the Carrier Representative.
Who is a Carrier?

A carrier is defined as a person or company with one or more commercial vehicles registered. A carrier may be an individual or a company.

A provincial carrier is defined as a person or company with one or more commercial vehicles registered and operates entirely within the province of Saskatchewan.

An extra-provincial carrier is defined as a person or company with one or more commercial vehicles registered that crosses the provincial borders during the normal operation of their business.

What is the definition of a commercial vehicle?

The Commercial Vehicle and Drivers (Record-Keeping) Regulations. Sec. 2(d)

Commercial vehicle is defined as:

“(i) a truck or power unit that is registered in Class A, C or D and that has a registered gross vehicle weight exceeding 5,000 kilograms;

(ii) a vehicle, other than a farm vehicle, registered in Class LV being used for a commercial or business purpose;

A. with a registered gross vehicle weight of 11,794 kilograms or greater; or

B. if operated outside Saskatchewan, with a registered gross vehicle weight of 5,000 kilograms or greater;

(iii) a trailer or semi trailer registered in Class TS;

(iv) a combination of the vehicles mentioned in subclauses (i) and (iii) that has a gross vehicle weight exceeding 5,000 kilograms;

(v) a vehicle registered in Class PB, PS or PC with a seating capacity, according to the vehicle’s manufacturer, of more than 10 persons including the driver;

(vi) a vehicle that has been provided with a permit in accordance with clause 73(1)(b) of The Traffic Safety Act to operate out of class in the same manner as a vehicle mentioned in the above subclauses (i) to (v);

but does not include a vehicle being operated as an ambulance or a funeral vehicle.”

Who maintains records for leased operators?

Leased operators with commercial vehicles registered to a carrier are considered part of the carrier’s fleet and records must be maintained by the carrier for these vehicles and their drivers.
INSURANCE

Legislated Requirements

*The Commercial Vehicle and Drivers (Record-Keeping) Regulations. Sec. 8*

The carrier must keep a written record of the carrier’s existing public liability insurance coverage for all the carrier’s commercial vehicles.

Insurance Requirements

Third Party Liability: Required for all commercial vehicles

Coverage:
$1,000,000 – All carriers transporting freight except dangerous goods
$2,000,000 – All carriers transporting dangerous goods

Buses: Third Party Liability

$1,000,000 – 15 passengers or less
$3,000,000 – 16 or more passengers

Cargo Liability: For Hire Carriers (Class A)

Cargo liability amounts for all vehicles not exceeding the following weight categories:

<table>
<thead>
<tr>
<th>Weight</th>
<th>Coverage</th>
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</thead>
<tbody>
<tr>
<td>12,700kg</td>
<td>$5,000</td>
</tr>
<tr>
<td>21,000kg</td>
<td>$20,000</td>
</tr>
<tr>
<td>37,000kg</td>
<td>$27,000</td>
</tr>
<tr>
<td>Over 37,000kg</td>
<td>$32,000</td>
</tr>
</tbody>
</table>

Audit Requirements

The audit requirements are broken down into what is required by law and what is recommended by SGI. In the case of legislated requirements, a section of the act is also provided. The recommended practices/procedures have proven effective in monitoring and ensuring a safe operation for you as a carrier.

A carrier must keep all records for the current year PLUS four additional years unless otherwise stated.
DRIVER PROFILE

A) Driver:

Legislated Requirements

*The Commercial Vehicle and Drivers (Record-Keeping) Regulations*

1) The carrier must keep a driver profile for each driver that must contain the following: *(Sec. 3, Sec. 4 & Sec. 6)*

- Record of traffic and criminal driving convictions, not including parking tickets, while operating the carrier’s commercial vehicles
- A copy of a valid driver’s licence, including all documents deemed to be part of the driver’s licence
- A copy of the driver’s driving record – current within 12 months
- Record of training or upgrading respecting the transportation of dangerous goods.

**NOTE:** *Section 11* of the Regulations requires that a driver report to the carrier, and supply copies of any convictions, accidents, on-road or terminal inspections at least once every 14 days.

Recommended Practice

1) The carrier should keep a separate personnel file for each driver.

2) In addition to the above legislated requirements it is recommended that the driver profile contain the following information:

- Employment application form showing driver’s past history and capabilities
- Special qualifications/training and the expiry date of those qualifications and/or training
- A record of all significant incidents between the carrier and the driver (example: awards, records of driver development including counseling)
- Annual driver performance review.

3) A system for reviewing and updating each driver’s file.

4) Corrective action/discipline system in place for those drivers with excessive accidents or driving offences.

5) Monthly review of carrier profile.
Driver Profile Continued:

B) ACCIDENT REPORTS

Legislated Requirements

*The Commercial Vehicle and Drivers (Record-Keeping) Regulations.*

1) The carrier must maintain a written record of all accidents involving the carrier’s commercial vehicle. *Sec.5(1)*

2) Every written accident record mentioned above must identify the driver, date and circumstances of the accident, nature and amount of damage and information identifying the commercial vehicle involved. *Sec. 5(2)*

**NOTE:** *Sec.11 (b)* of the Regulations require a driver to report to the carrier, at least once every 14 days, any accidents that have occurred involving one of the carrier’s commercial vehicles.

Recommended Practices

1) The carrier should keep accident records separate from the notations on the driver’s profile.

2) The carrier should have a policy regarding corrective action/discipline or preventative measures relating to accidents.

3) The carrier should review all accident reports for possible trends and/or preventative measures.

C) DANGEROUS GOODS

Should the carrier be involved in transporting dangerous goods, the following applies:

Legislated Requirements

All Section references refer to the *Transport Canada - Transportation of Dangerous Goods Regulations*, unless otherwise specified.

1) A carrier must maintain copies of all shipping documents and manifests prepared under the Dangerous Goods Regulations for a period of two years. *Sec. 3.11*

2) The carrier must maintain a written record of any dangerous goods training provided to a driver. *Sec. 6 – The Commercial Vehicle and Drivers (Record-Keeping) Regulations.* (This record is to be kept for the current year plus 4 additional years.)

3) The carrier must provide training to a driver and issue a dangerous goods training certificate every 36 months. *Sec. 6.5*
Driver Profile Continued:

**Recommended Practices**

1) The carrier should maintain a written record of all accidental release of dangerous goods involving a carrier’s commercial vehicle.

2) The carrier should maintain a written record of dangerous goods tank trucks/trailers removed or introduced into service.

3) The carrier should ensure drivers, and other employees are familiar with Dangerous Goods legislation and requirements.

4) It is recommended that resource material/person be available to all employees.

5) Compliance with Dangerous Goods legislation should be part of the trip inspection report.

**VEHICLE MAINTENANCE**

**A) Vehicles**

**Legislated Requirements**

*The Commercial Vehicle and Drivers (Record-Keeping) Regulations.*

1) The carrier must maintain a copy of work orders describing any repairs performed on the carrier’s commercial vehicles. *Sec. 7(a)*

2) The carrier must maintain a written record of all on-road and terminal inspection reports prepared by a peace officer or an employee of the administrator. This will primarily involve reports prepared under the Commercial Vehicle Safety Alliance – (CVSA) program. *Sec. 7(b)(i)*

3) The carrier must maintain a written record regarding the Periodic Motor Vehicle Inspection (PMVI) program. This includes all PMVI inspections done in Saskatchewan. *Sec. 7(b)(ii)*

4) The carrier must maintain a written record of inspections as listed in 2) and 3) above but performed in another jurisdiction. *Sec. 7(b)(iii)*

5) The carrier must maintain a copy of monthly reports prepared as part of the carrier’s system of regular and continuous inspections and maintenance for all of the carrier’s commercial vehicles. *Sec. 7(c)*

6) The carrier must maintain a written record of notices of defect received from any manufacturer of a commercial vehicle and records establishing that the defect has been corrected. *Sec. 7(d)* (Recalls can be found at Transport Canada’s web site- www.tc.gc.ca).
Vehicle Profile continued:

**Recommended Practices**

1) The carrier should maintain separate files on each vehicle as to the above information.

2) The carrier should provide a system to identify expiry dates for vehicles inspected under the PMVI program.

3) The carrier may consider assigning a safety officer or another designated employee to be responsible for vehicle maintenance standards.

**B) Trip Inspection Reports**

**Vehicles Requiring Trip Inspection Reports**

1) All commercial vehicles (trucks/power units) registered at or over 11,794 kg.

2) All trailers or semi trailers towed by a commercial vehicle.

3) A bus with a seating capacity, including the driver, of more than 10 people.

**Legislated Requirements**

*The Trip Inspection Regulations*

1) Trip inspection is to be **completed once every 24-hour period** when vehicle is in service.

2) Trip inspection report to be submitted to the carrier within **20 days**.

3) Trip inspection report to be maintained on file for a minimum of **six months**.

4) Trip inspection must contain the following:
   - Carrier Name
   - Date
   - Time
   - Location
   - Vehicle identification
   - Odometer reading
   - Printed name of person conducting inspection
   - Statement that the vehicle has been inspected in accordance with the applicable requirements
   - Signature of person conducting the trip inspection

Each vehicle must contain:

- Copy of Trip Inspection Standard Schedule 1
- If vehicle is a bus, a copy of Trip Inspection Standard Schedule 2
- Copy of completed inspection for current day and the previous day
Vehicle Profile continued:

**Recommended Practices**

1) The trip inspection report should be kept in a separate file for each vehicle.

2) The carrier should ensure that drivers are trained in how to complete and perform the trip inspection properly.

4) The carrier should have a written policy as to procedures in dealing with failed items on the inspection report.

**Note:** For more information regarding trip inspection visit Saskatchewan Highways and Transportation website at [www.highways.gov.sk.ca](http://www.highways.gov.sk.ca)

**HOURS OF SERVICE**

**Legislated Requirements**

Drivers of commercial vehicles are limited in the number of hours they may drive. Saskatchewan has **provincial hours of service regulations**. These regulations apply to drivers of commercial vehicles who operate totally within province.

There are also **federal hours of service regulations**. These regulations apply to extra-provincial carriers crossing provincial or international boundaries with one or more vehicles during their normal business operations.

1. The carrier must keep copies of the daily log of each driver on file for the **preceding six months**.
   
   **NOTE:** A driver is required to submit copies of their daily logs to the carrier within **20 days**.

2a. According to provincial legislation, daily logs are not required by a driver or motor carrier where:

   i) the vehicle is operated within a radius of 160 kilometers of the home terminal; and

   ii) the driver is on duty for not more than 15 hours and returns to the home terminal to begin off-duty time; and

   iii) the carrier retains, for a period of six months, accurate records showing the driver's on duty hours.
Hours of Service continued:

2b. According to federal legislation daily logs are not required by a driver or motor carrier where:

   i) the driver operates or is instructed to operate a commercial vehicle within a radius of 160 km of the home terminal;

   ii) the driver returns to the home terminal each day to begin a minimum of 8 consecutive hours of off-duty time;

   iii) the motor carrier maintains accurate and legible records showing, for each day, the driver’s duty status and elected cycle, the hour at which each duty status begins and ends and the total number of hours spent in each status and keeps those records for a minimum period of 6 months after the day on which they were recorded; and

   iv) the driver is not driving under a permit issued under these Regulations.

3. (i) The carrier is required to keep driver's logbooks in a separate file in chronological order for each driver.

   (ii) The carrier is required to review logbooks regularly to ensure compliance by drivers.

   (iii) The carrier is required to have a policy in place to promote compliance by drivers.

4. Both federal and provincial carriers must ensure that they and their drivers are in compliance with the Hours of Service Regulations.

   **RECORD KEEPING REQUIREMENTS SUMMARY**

   A carrier must keep all records for the current year PLUS four additional years unless otherwise stated.

Drivers:

The carrier must keep a driver profile on each driver that must contain the following (Sec. 3 & Sec. 4):

   • A copy of a valid driver’s licence, including all documents deemed to be part of the driver’s licence

   • A copy of the driver’s driving record – current within 12 months

   • Record of traffic and criminal driving convictions, not including parking tickets, while operating the carrier’s commercial vehicles

**NOTE: Section 11** of the Regulations requires that a driver report to the carrier, and supply copies of any convictions, accidents, on-road or terminal inspections at least once every 14 days.
Accident Reports:

- The carrier must maintain a written record of all accidents involving the carrier’s commercial vehicle. *Sec. 5(1)*

- Every written record mentioned above must contain the name of the driver, information identifying the commercial vehicle involved, date and circumstances of the accident and the nature and amount of damage. *Sec. 5(2)*

**NOTE:** *Sec.11* of the Regulations require a driver to report to the carrier, **at least once every 14 days**, any accidents that have occurred involving one of the carrier’s commercial vehicles.

Dangerous Goods:

- A carrier must maintain copies of all shipping documents and manifests prepared under the Dangerous Goods Regulations for a period of **two years**. *Transportation of Dangerous Goods Sec. 3.11*

- The carrier must maintain a written record of any dangerous goods training provided to a driver. *Sec. 6 – The Commercial Vehicle and Drivers (Record-Keeping) Regulations.*

- The carrier must provide training to a driver and issue a dangerous goods training certificate **every 36 months**. *Sec. 6.5*

Vehicles:

- The carrier must maintain a written record of all on-road and terminal inspection reports prepared by a peace officer or an employee of the administrator. This will primarily involve reports prepared under the Commercial Vehicle Safety Alliance – CVSA program. *Sec.7 (b)(i)*

- The carrier must maintain a written record regarding the PMVI program. This includes all PMVI inspections done in Saskatchewan. *Sec. 7(b)(ii)*

- The carrier must maintain a written record of inspections as listed in *Sec. 7(b)(i) & Sec. 7(b)(ii)* above but performed in another jurisdiction. *Sec. 7(b)(iii)*

- The carrier must maintain a written record of regular inspections and maintenance carried out by the carrier. *Sec. 7(c)*

- The carrier must maintain a written record of notices of defect received from any manufacturer of a commercial vehicle and records establishing that the defect has been corrected. *Sec. 7(d)*

**Trip Inspection Reports:**

- The carrier must **retain copies** of trip inspection reports **for six months.**
Trip inspections must contain the following:

- Carrier’s Name
- Date
- Time
- Location
- Vehicle identification
- Odometer reading
- Printed name of person conducting inspection
- Statement that the vehicle has been inspected in accordance with the applicable requirements
- Signature of person conducting inspection

**Hours of Service:**

The carrier must keep copies of the daily logs of each driver on file for the **preceding six months.**

**NOTE:** a driver is required to submit copies of their daily logs to the carrier within **20 days.**

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